
UTAH LABOR COMMISSION

LUIS E GIL,

Petitioner,

vs.

**NUTRACEUTICAL INTL CORP and
WORKERS COMPENSATION FUND,**

Respondents.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 08-0882

Luis E. Gil asks the Utah Labor Commission to review Administrative Law Judge La Jeunesse's dismissal of Mr. Gil's claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to § 63G-4-301 of the Utah Administrative Procedures Act and § 34A-2-801(3) of the Utah Workers Compensation Act.

BACKGROUND AND ISSUE PRESENTED

Mr. Gil claims permanent total compensation for a low-back injury sustained while working for Nutraceutical on November 12, 2003. After an evidentiary hearing, Judge La Jeunesse denied Mr. Gil's claim on the grounds he had failed to satisfy several of § 34A-2-413's prerequisites to a finding of permanent total disability.

On November 19, 2009, Mr. Gil's attorney filed a motion for review asserting that Judge La Jeunesse's order was "contrary to the facts in evidence and the applicable law thereto" and representing that a support memorandum would be filed within 10 days. However, no such memorandum has been filed.

DISCUSSION AND CONCLUSION OF LAW

Pursuant to § 63-46B-12(1)(b)(ii) of UAPA, it is Mr. Gil's obligation to state the grounds on which he seeks review of Judge La Jeunesse's order. Furthermore, it is generally inappropriate for the Commission to address issues that the parties have not themselves raised. Hilton Hotel v. Industrial Commission, 897 P.2d 352, (Utah App. 1995). While Mr. Gil's motion for review contains broad conclusionary assertions that Judge La Jeunesse's decision is contrary to the evidence and law, the motion for review has failed to identify any specific questions of fact or issues of law for Commission review. The Commission therefore affirms Judge La Jeunesse's decision.

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ORDER

The Commission affirms Judge La Jeunesse's decision and denies Mr. Gil's motion for review. It is so ordered.

Dated this 10th day of February, 2010.



Sherrie Hayashi
Utah Labor Commissioner

NOTICE OF APPEAL RIGHTS

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.